

Remarks

The previously inserted first paragraph on page 1 (*see* Preliminary Amendment submitted August 8, 2001) has been amended to update this cross reference to related applications information with an issued patent number, and to place the claims to benefit of prior applications in conformity with recently issued U.S.P.T.O. guidelines. *See*, Official Gazette Notice, March 18, 2003 ("Claiming the Benefit of a Prior-Filed Application under 35 U.S.C. 119(e), 120, 121, and 365(c)"). No new matter has been added.

Applicants have also canceled claims 2-13, 15, 21, and 24-29, without prejudice or disclaimer. Applicants reserve the right to pursue the subject matter encompassed by all canceled claims in one or more divisional or continuation applications. Additionally, new claims 30-46 have been added herein to expand the embodiments of the elected subject matter. Support for new claims 30-46 can be found in the specification as originally filed. For example, support may be in the specification at: page 3, lines 24-26 (antibodies); page 14, lines 19-20 (glycosylated protein); page 21, fourth paragraph (human antibodies); page 21, second paragraph (polyclonal, monoclonal, chimeric, humanized, single chain, Fab fragment antibodies); page 8, fourth to fifth paragraphs (isolated cell producing antibody); page 21, fourth paragraph (hybridoma); page 21, second to third paragraphs (method of detecting); page 21, third paragraph (immunized animal); and, page 8, third paragraph to page 13, first paragraph (recombinant cell). No new matter has been added.

Upon entry of the present amendments, claims 1, 14, 16-20, 22-23, and 30-46 will be pending.

Provisional Election With Traverse

The Examiner has vacated the previous election requirement (*see* Paper No. 5) and issued a new election requirement separating claims 1-29 into nine different groups. *See*, Paper No. 6, pages 1-2. To comply with the pending election requirement, Applicants herein provisionally elect, *with traverse*, the claims currently restricted to Group III (*i.e.*, claims drawn to antibodies, as encompassed by previous claim 16 and new claims 30-46).

Applicants respectfully traverse the present election requirement.

A restriction should not be imposed unless examination of all groups would entail a "serious burden." See M.P.E.P. § 803. In the present situation, a search of the polynucleotide claims would provide useful information for the claims in other related groups. For example, a search of NTT polynucleotides would inherently provide relevant information for NTT polypeptides and antibodies. Therefore, since a search of the claims in Group I would overlap with a search of claims in Groups II-III, at the very least, a search encompassing the subject matter of Groups I-III would not impose a serious burden. Applicants therefore respectfully request that the restriction requirement under 35 U.S.C. § 121 be reconsidered and withdrawn and that, at the very least, the claims encompassed by Groups I-III be examined together.

Applicants retain the right to petition from the restriction requirement under 37 C.F.R. § 1.144.


Conclusion

Applicants respectfully request that the above-made remarks be entered and made of record in the file history of the instant application. The Examiner is invited to call the undersigned at the phone number provided below if any further action by Applicant would expedite the examination of this application.

If there are any fees due in connection with the filing of this paper, please charge the fees to our Deposit Account No. 08-3425. If a fee is required for an extension of time under 37 C.F.R. § 1.136, such an extension is requested and the fee should also be charged to our Deposit Account.

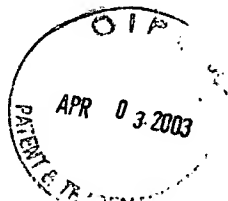
Respectfully submitted,

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Li et al.

Application No.: 09/923,444

Group Art Unit: 1631

Filed: August 8, 2001

Examiner: M. P. Allen

For: Neurotransmitter Transporter

VERSION WITH MARKINGS TO SHOW CHANGES MADE
(Underline indicates text inserted, Strike-through indicates text deleted)

In the Specification:

The previously inserted first paragraph on page 1 has been amended as follows:

This application is a continuation of application and claims priority under 35
U.S.C. § 120 U.S. to U.S. Application Serial No. 09/062,815, filed April 20, 1998, which
is hereby incorporated by reference in its entirety, which is a divisional of and claims
priority under 35 U.S.C. § 120 to U.S. Application Serial No. 08/424,424, filed April 21,
1995 (now issued U.S. Patent No. 5,759,854), which is hereby incorporated by reference
in its entirety, and which is a Continuation-in-Part of international application
PCT/US94/05363 (published in English), filed May 16, 1994, which Each of the above
referenced applications is hereby incorporated by reference in its entirety.

In the Claims:

New claims 30-46 have been added.